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10 Attorneys for Defendants:  
11 MISSION SAN JOSE AIRPORT, LLC and MISSION YOGURT, INC.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

14 AREAS USA SJC, LLC, a California limited  
15 liability company,

16 Plaintiff,

17 v.

18 MISSION SAN JOSE AIRPORT, LLC, a  
19 Colorado limited liability company, and  
20 MISSION YOGURT, INC., a Colorado  
21 corporation,

22 Defendants.

CASE NO. CV11-04487 HRL

**DEFENDANTS' OBJECTIONS TO  
PLAINTIFF'S LIST OF TRIAL EXHIBITS**

**PLACE: Courtroom 2**

**JUDGE: Hon. Howard R. Lloyd**

**Complaint Filed: September 9, 2011**

**Trial Date: January 7, 2013**

Defendants Mission San Jose Airport, LLC and Mission Yogurt, Inc. (collectively, "Defendants" or "Mission") set forth herein their objections to exhibits identified in Plaintiff Areas USA SJC, LLC's Trial Exhibit List. The parties have conferred on Defendants' objections. Areas has agreed to withdraw three documents identified below as a result. The remainder continue to be in dispute.

1. Deposition Exhibit 3: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
2. Deposition Exhibit 16: : inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
3. Deposition Exhibit 19: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
4. Deposition Exhibit 21: : inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
5. Deposition Exhibit 22: : inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
6. Deposition Exhibit 23: : inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
7. Deposition Exhibit 33: : inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
8. Deposition Exhibit 37: incomplete (redactions are improper as privilege has been waived. *See* Plaintiff's Exhibits 7 and 29); best evidence rule (incomplete duplicate)
9. Deposition Exhibit 49: irrelevant (FRE 401)
10. Deposition Exhibit 53: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
11. Deposition Exhibit 54: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
12. Deposition Exhibit 55: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
13. Deposition Exhibit 61: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
14. Deposition Exhibit 70: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
15. Deposition Exhibit 76: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)

16. Deposition Exhibit 112: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
17. Deposition Exhibit 127: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
18. Deposition Exhibit 128: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
19. Deposition Exhibit 144: Areas has agreed to withdraw in light of Court's motion striking J. Howard Nudell.
20. Deposition Exhibit 145: Areas has agreed to withdraw in light of Court's motion striking J. Howard Nudell.
21. Deposition Exhibit 146: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
22. Deposition Exhibit 149: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
23. Deposition Exhibit 151: Areas has agreed to withdraw in light of Court's motion striking Nudell; also lacks foundation and violates best evidence rule.
24. Deposition Exhibit 154: Areas has agreed to withdraw in light of the Court's order excluding J. Howard Nudell.
25. Trial Exhibit 160: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
26. Trial Exhibit 161: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
27. Trial Exhibit 162 inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403); also lacks foundation and violates best evidence rule (incomplete illegible document)
28. Trial Exhibit 163: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
29. Trial Exhibit 164: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
30. Trial Exhibit 165: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
31. Trial Exhibit 166: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
32. Trial Exhibit 167: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
33. Trial Exhibit 168: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)

34. Trial Exhibit 169: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
35. Trial Exhibit 170: irrelevant (FRE 401); more prejudicial than probative (FRE 403)
36. Trial Exhibit 172: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403). In particular, Areas is intending to use the document to propagate a falsehood and to confused the jury into thinking that Fentress determined that there was no issue with the baggage system below, when Areas knows it is not true.
37. Trial Exhibit 173: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
38. Trial Exhibit 174: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
39. Trial Exhibit 175: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
40. Trial Exhibit 176: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403)
41. Trial Exhibit 177: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403); also lacks foundation.
42. Trial Exhibit 178: inadmissible hearsay (FRE 801); irrelevant (FRE 401); more prejudicial than probative (FRE 403); also lacks foundation.

## II. CERTIFICATION

I hereby certify that I have met and conferred with counsel prior to filing these objections in accordance with the Court's Standing Order re: Pretrial Preparation.

Dated: December 11, 2012

BRYAN CAVE LLP

By: /s/ Daniel T. Rockey

Daniel T. Rockey  
Attorneys for MISSION SAN JOSE AIRPORT,  
LLC and MISSION YOGURT, INC.